

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks. Applicant herein amends the drawings at Figures, 1, 4 and 5 to clarify reference character ambiguity and conform reference character numbering to the Specification. Applicant herein amends the Specification at paragraph [0011] to clarify the separate and distinct nature of each of the protective panels attached to the garment. Support for the amendments to the Specification can be found at least at paragraph [0013], and at Figures 1 and 5.

Claims 1, 3, 6, 8-18, 22, and 23 are pending in the application, with claims 1, 22, and 23 being independent. Applicant herein amends Claims 1, 22, and 23 to clarify claimed subject matter. Support for the claim amendments can be found in the disclosure at least at paragraphs [0011], [0013] and [0022], and FIGS. 1, 2, 5, and 6. No new matter has been added.

### **§ 103 REJECTIONS**

**A. Claims 1, 3, 6, 10-18, and 21-23 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,038,700 to Aldridge et al. (hereinafter “Aldridge”).** Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection, and in the interest of expediting allowance of the application, Applicant herein amends

independent claims 1, 22 and 23 for clarification. Independent claims 1, 22 and 23 are, therefore, believed to be allowable.

**Independent claim 1**, as presently amended, recites in part:

a base fabric having a front portion and a rear portion, ... the front portion having a breast portion, and a portion that is not the breast portion;

a first protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric;

a second protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric; and

a pair of sleeves ... each sleeve having an upper-arm portion and a forearm portion, and ... a third protective panel **attached** to an inner forearm surface **of the forearm portion**, and not the upper-arm portion of each sleeve, wherein the third protective panel extends approximately half of a way around a perimeter of the forearm portion of each sleeve, and is positioned proximate to a wrist opening on each sleeve... wherein each of the first, second and third protective panels are **separate and distinct panels, remote** from each other

Applicant respectfully submits that no such elements are disclosed by Aldridge.

**Aldridge Fails to Disclose First and Second Protective Panels Attached to the Breast Portion, but Not to the Portions that are Not the Breast Portion of the Base Fabric, and Third Protective Panels Attached to the Forearm Portions, but not the Upper-Arm Portions of the Sleeves, Wherein Each of the first, second and third Protective Panels are Separate and Distinct Panels, Remote from each other.**

Aldridge is directed to “hazardous duty garments and, more particularly, to lightweight firefighter garments which protect a wearer from extreme ambient conditions.” (Col. 1, lines 11-13). Aldridge discusses protective garments which are relatively lightweight, yet possess relatively high resistance to liquid water absorption with relatively high moisture vapor transport characteristics. (col. 2, lines 13-16). For example, the firefighter garment in Aldridge provides a thermal barrier designed to protect the wearer from extreme heat, and a moisture barrier designed resist the absorption of water. (Cols. 1, lines 31-51). Additionally, Aldridge describes a “garment includ[ing] an abrasion, heat and flame resistant outer shell, generally designated **26**, which covers **substantially the entire outer surface [of the] garment.**” (Col. 4, lines 12-15).

The Office cites Aldridge (FIGS. 1 and 5, and col. 4, lines 12-27) as teaching the features of independent claim 1. (Office Action, pages 2-3). Applicant respectfully disagrees. While Aldridge describes a protective garment, Aldridge fails to disclose “a base fabric having a front portion and a rear portion, ... the front portion having a breast portion, and a portion that is not the breast portion; a first protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric; a second protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric; and a pair of sleeves ... each sleeve having an upper-arm portion and a forearm portion, and ... a third protective panel **attached** to an inner forearm surface **of the**

**forearm portion**, and not the upper-arm portion of each sleeve, wherein the third protective panel extends approximately half of a way around a perimeter of the forearm portion of each sleeve, and is positioned proximate to a wrist opening on each sleeve... wherein each of the first, second and third protective panels are **separate and distinct panels, remote** from each other,” as recited by amended independent claim 1.

The substantial protective coverage described in Aldridge is in contrast to the discrete protective panels described in the claims. While a protective garment that covers a full body is desirable for a firefighter garment; discrete panels are more desirable in a garment for utility workers where weight, flexibility, and vertical scaling are the main issues.

Aldridge fails to disclose, teach, or suggest the features of independent claim 1. Therefore, independent claim 1 is allowable for at least these reasons.

**Dependent Claims 3, 6, 10-18 and 21** depend from independent claim 1, and include all of the features of the independent base claim. Dependent claims 3, 6, 10-18 and 21 are allowable by virtue of this dependency as well as for additional features that each recites.

**Independent claim 22**, as presently amended, recites in part:

a base fabric having a front portion and a rear portion ... the front portion having a breast portion, and a portion that is not the breast portion;

a first protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric;

a second protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric;

...

a pair of sleeves attached to the base fabric ... each sleeve having an upper-arm portion and a forearm portion;

a third protective panel **attached** to an inner surface **of the forearm portion** of each sleeve, and not the upper-arm portion of each sleeve, wherein the third protective panel extends approximately half of a way around a perimeter of the forearm portion of each sleeve, and is positioned proximate to a wrist opening on each sleeve ... wherein each of the first, second and third protective panels are **separate and distinct panels, remote** from each other

Applicant respectfully submits that no such elements are disclosed by Aldridge.

The Office cites col. 4, lines 12-27 as well as FIGS. 1 and 5 of Aldridge as teaching the features of this independent claim. Applicant respectfully disagrees. While Aldridge describes a protective garment, Aldridge fails to disclose “a first protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric; a second protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric; ... a pair of sleeves attached to the base fabric ... each sleeve having an upper-arm portion and a forearm portion; a third protective panel **attached** to an inner surface

**of the forearm portion** of each sleeve, and not the upper-arm portion of each sleeve, wherein the third protective panel extends approximately half of a way around a perimeter of the forearm portion of each sleeve, and is positioned proximate to a wrist opening on each sleeve ... wherein each of the first, second and third protective panels are **separate and distinct panels, remote** from each other,” as presently recited by independent claim 22. Aldridge fails to disclose, teach, or suggest the features of independent claim 22. Therefore, independent claim 22 is allowable for at least these reasons.

**Independent claim 23**, as presently amended, recites in part:

a base fabric having a front portion and a rear portion ... having a breast portion on the front portion, and a portion that is not the breast portion on the front portion;

...

a first protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric; and

a second protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric ... wherein each of the first, second and third protective panels are **separate and distinct panels, remote** from each other

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While Aldridge describes a protective garment, Aldridge fails to disclose “a first protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric; a second protective panel **attached to the breast portion** of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric ... wherein each of the first, second and third protective panels are **separate and distinct panels, remote** from each other,” as presently recited by independent claim 23. Aldridge fails to disclose, teach, or suggest the features of independent claim 23. Therefore, independent claim 23 is allowable for at least these reasons.

**B. Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being obvious over Aldridge in view of U.S. Patent No. 5,247,707 to Parker et al. (hereinafter “Parker”).** Applicant respectfully traverses the rejection.

**Dependent claims 8 and 9** depend from independent claim 1, and include all of the features of the independent base claim. Dependent claims 8 and 9 are allowable by virtue of this dependency as well as for additional features that they recite. As discussed above, Aldridge fails to disclose, teach, or suggest the features of independent claim 1. Parker fails to remedy the deficiencies in Aldridge.

Parker is directed to a utility vest with an integral backpack attached to the back. (Abstract) Parker discloses “straps running through the shoulder areas of the vest and terminating in loops that extend proximate to the outer surface of the

garment.” (Col. 2, lines 29-33). However, Parker, like Aldridge fails to disclose, teach, or suggest “a first protective panel attached to the breast portion of the base fabric, but **not attached** to the front portion that is not the breast portion of the base fabric; a second protective panel attached to the breast portion of the base fabric, but not attached to the front portion that is not the breast portion of the base fabric; and a pair of sleeves ... each sleeve having an upper-arm portion and a forearm portion, and ... a third protective panel attached to an inner forearm surface of the forearm portion, and **not** the upper-arm portion of each sleeve ... wherein each of the first, second and third protective panels are **separate and distinct panels, remote** from each other,” as presently recited in independent claim 1. Therefore, Aldridge and Parker both fail to teach the features recited in independent claim 1.

Furthermore, with regard to claims 8 and 9, the Office admits that Aldridge does not disclose loops being attached to the front portion of the garment and having the bottom of the garment being attached to a safety belt by loops, as recited in dependent claims 8 and 9. The Office states that Parker teaches these features at FIG. 1.

Parker, at FIG. 1, shows a garment with loops at various locations on it; however, Parker fails to remedy the noted deficiencies in Aldridge with respect to claims 8 and 9. For example, Parker fails to disclose “further comprising **attachable and detachable** structural members,” as recited in both dependent claims 8 and 9.



Thus, Aldridge and Parker, taken alone or in combination, fail to disclose, teach, or suggest at least these features of dependent claims 8 and 9. Dependent claims 8 and 9 are allowable for at least these reasons.

### CONCLUSION

For at least the foregoing reasons, claims 1, 3, 6, 8-18, 22, and 23 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance. If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

Lee & Hayes, PLLC

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By: /s/ Patrick D.S. Reed  
Patrick D.S. Reed  
Reg. No. 61,227  
(509) 324-9256 ext. 252